Troye



NOV 1 9 2003

500.43007X00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Y. FUKUDA, et al

Serial No.: 10/634,769

Filing Date: August 6, 2003

For: PERFORMANCE INFORMATION MONITORING SYSTEM,

METHOD AND PROGRAM

Attention: MS Missing Parts

SUBMISSION OF DECLARATION UNDER 37 CFR §1.63

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 November 19, 2003

Sir:

In the matter of the above-identified application, which was originally filed on August 6, 2003 without a Declaration, and responsive to the Notice to File Missing Parts of Application Filing Date Granted dated November 10, 2003, please find attached hereto a Declaration for submission under 37 CFR §1.63, executed by each of the inventors in the above-identified application.

A Credit Card Payment Form authorizing the requisite \$130.00 fee is attached. Should any additional fees become due in connection with the filing of this Declaration, please charge Deposit Account No. 01-2135 (Case No. \$00.43007X00).

Respectfully submitted,

Carl I Brundidge

Registration No. 29,621

ANTONELLI, TERRY, STOUT & KRAUS, LLP

CIB/jdc Enclosures 703/312-6600

W1096-01

PTO/SB/106(5-00)

Approved for use through 10/31/02. OMB 0651-0032 Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Declaration and Power of Attorney for Patent Application

特許出願宣言書及び委任状

| NOV 1 9 2003 i | apanese Langua | ge Declaration |
|--|-------------------------|---|
| RADEMARKO | 日本語宣 | |
| 私は、以下に記名された発明者として、ここに下 | 記の通り宣言する : | As a below named inventor, I hereby declare that: |
| 私の住所、郵便の宛先そして国籍は、私の氏名の りである。 | の後に記載された通 | My residence, post office address and citizenship are as stated next to my name. |
| 下記の名称の発明について、特許請求範囲に記述がられている発明主題に関して、私は、最初、対者である(唯一の氏名が記載されている場合)か、且つ共同発明者である(複数の氏名が記載されている。 | 最先且つ唯一の発明 . 或いは最初、最先 | I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled |
| | | PERFORMANCE INFORMATION MONITORING SYSTEM. METHOD AND PROGRAM |
| 上記発明の明細書はここに添付されているが、されている場合は、この限りでない : □ | 出願番号は、 | The specification of which is attached hereto unless the following box is checked: |
| . 私は、上記の補正書によって補正された、特許 明細書を検討し、且つ内容を理解していることを | | I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. |
| 私は、連邦規則法典第37編規則1.56に定 性について重量な情報を開示する義務があること | | I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. |

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the need of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner of Patents and Trademarks, Washington, DC

Japanese Language Declaration (日本語宣言書)

私は、ここに、以下に記載した外国での特許出願または発明者証の I hereby claim foreign priority under Title 35, United States Code, 出願、或いは米国以外の少なくとも一国を指定している米国法典第3 5 編題 3 6 5 条 (a) による P C T 国際出願について、同第 1 1 9 条 (a) or inventor's certificate, or 365(a) of any PCT International apllication

Section 119 (a)-(d) or 365(b) of any foreign application(s) for patent

| 優先権を主張する本出願の出際 特許出願または発明者証の出願 | 基づいて優先権を主張するとともに、 日よりも前の出願日を有する外国での ほ、或いはPCT国際出願については、 チェックすることにより示した。 | which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application for which priority is claimed. | | |
|--|--|--|--|--|
| Prior Foreign Application(s) 外国での先行出願 | | | Priority Not Claimed 優先権主張なし | |
| 2003-112290 | Japan | 17/April/2003 | _ 🗆 | |
| (Number) | (Country) | (Day/Month/Year Filed) | | |
| (番号) | (国名) | (出願日/月/年) | | |
| (Number) | (Country) | (Day/Month/Year Filed) | | |
| (番号) | (国名) | (出願日/月/年) | | |
| 私は、ここに、下記のいかな | る米国仮特許出願についても、その米 | I hereby claim the benefit under Title 3 | | |
| 国法典第35編119条(e)項(| の利益を主張する。 | 119(e) of any United States provisiona | | |
| (Application No.) | (Filing Date) | (Application No.) | (Filing Date) | |
| (出願番号) | (出願日) | (出願番号) | (出願日) | |
| 典第35編第120条に基づくなるPCT国際出願についてもを主張する。また、本出願の各35編第112条第1段に規定PCT国際出願に開示されてい出願日と本国内出願日またはPされた情報で、連邦規則法典第 | かなる米国出願についても、その米国法利益を主張し、又米国を指定するいか、その同第365条(c)に基づく利益特許請求の範囲の主題が、米国法典第2された態様で、先行する米国出願又はかない場合においては、その先行出願のCT国際出願日との間の期間中に入手337編規則1.56に定義された特許開示義務があることを承認する。 | I hereby claim the benefit under Title 3 120 of any United States application(s international application designating th and, insofar as the subject matter of e application is not disclosed in the prior International application in the manner of Title 35, United States Code Section to disclose information which is materiatitle 37, Code of Federal Regulations, available between the filing date of the national or PCT International filing date | e), or 365(c) of any PCT the United States, listed below each of the claims of this or United States or PCT or provided by the first paragraph on 112, I acknowledge the duty field to patentability as defined in or Section 1.56 which became or prior application and the | |
| (Application No.) | (Filing Date) | (Status: Patented, Pending, Ab | | |
| (出願番号) | (出願日) | (現況 : 特許許可、係属中、 | | |
| (Application No.) | (Filing Date) | (Status: Patented, Pending, Ab | | |
| (出願番号) | (出願日) | (現況 : 特許許可、係属中、 | | |
| 且つ情報と信ずることに基づく を宣言し、さらに、故意に虚偽 | での知識に係わる陳述が真実であり、 陳述が、真実であると信じられることの陳述などを行った場合は、米国法典、、罰金または拘禁、若しくはその両方 | I hereby declare that all statements makenowledge are true and that all statement and belief are believed to be true; and were made with the knowledge that wi | ents made on information further that these statements | |

により処罰され、またそのような故意による虚偽の陳述は、本出願ま like so made are punishable by fine or imprisonment, or both, under たはそれに対して発行されるいかなる特許も、その有効性に問題が生 ずることを理解した上で陳述が行われたことを、ここに宣言する。

Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Japanese Language Declaration (日本語宣言書)

委任状: 私は本出願を審査する手続を行い、且つ米国特許商標庁との全ての業務を遂行するために、記名された発明者として、下記の弁 護士及び/または弁理士を任命する。(氏名及び登録番号を記載すること)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith (list name and registration number).

Donald R. Antonelli, Reg. No. 20,296; David T. Terry, Reg. No. 20,178; Melvin Kraus, Reg. No. 22,466; William I. Solomon, Reg. No. 28,565; Gregory E. Montone, Reg. No. 28,141; Ronald J. Shore, Reg. No. 28,577; Donald E. Stout, Reg. No. 26,422; Alan E. Schiavelli, Reg. No. 32,087; James N. Dresser, Reg. No. 22,973 and Carl I. Brundidge, Reg. No. 29,621.

書類送付先

Send Correspondence to:

Antonelli, Terry, Stout & Kraus, LLP Suite 1800, 1300 North Seventeenth Street Arlington, Virginia 22209

直通電話連絡先 : (氏名及び電話番号)

(第三以下の共同発明者についても同様に記載し、署名を

すること)

Direct Telephone Calls to: (name and telephone number)

(Supply similar information and signature for third and subsequent

Telephone: (703) 312-6600 Fax: (703) 312-6666

| 唯一または第一発明者氏名 | | Full name of sole or first inventor | |
|-------------------|----|---|--------------------|
| | | Yusuke FUKUDA | |
| 発明者の署名 | 日付 | Inventor's signature | Date |
| • | | Yusuke Fukuda | September.25,200 |
| 住所 | | Residence | |
| | | Fujisawa, Japan | |
| 国籍 | | Citizenship | |
| | | Japan | |
| 郵便の宛先 | | Post office Address c/o Hitachi, Ltd., Intellectual New Marunouchi Bldg. 5-1, chome, Chiyoda-ku, Tokyo | Marunouchi 1- |
| 第二共同発明者がいる場合、その氏名 | | Full name of second joint inventor, if Tadashi NUMANOI | any |
| 第二共同発明者の署名 | 日付 | Second inventor's signature | Date |
| | | Tadoshi NUMANOI | September, 25, 200 |
| 住所 | | Residence | |
| | | Yokohama, Japan | |
| 国籍 | | Citizenship | <u> </u> |
| | | Japan | |
| 郵便の宛先 | | Post office Address c/o Hitachi, Ltd., Intellectual New Marunouchi Bldg. 5-1, chome, Chiyoda-ku, Tokyo | Marunouchi 1- |

joint unventors.)

| 第三共同発明者がいる場合、その氏名 | | Full name of third joint inventor, if any Tomohiro KOMINAMI |
|---|---------|---|
| 第三共同発明者の署名 | 日付 | Third inventor's signature Date |
| NN. N. | 1-4,1 7 | Tomohiro Kominami September, 25th |
| 住所 | | Residence |
| | | Yokohama, Japan |
| 国籍 | | Citizenship Japan |
| 郵便の宛先 | | Post office Address c/o Hitachi, Ltd., Intellectual Property Group, New Marunouchi Bldg. 5-1, Marunouchi 1- chome, Chiyoda-ku, Tokyo 100-8220, Japan |
| 第四共同発明者がいる場合、その氏名 | | Full name of fourth joint inventor, if any Naoki SHIMADA |
| 第四共同発明者の署名 | 日付 | Fourth inventor's signature Date |
| | | Naoki Shimada September, 21th, |
| 住所 | | Residence |
| | | Yokohama, Japan |
| 国籍 | | Citizenship |
| | | Japan Post office Address |
| 郵便の宛先 | | c/o Hitachi, Ltd., Intellectual Property Group, New Marunouchi Bldg. 5-1, Marunouchi 1- chome, Chiyoda-ku, Tokyo 100-8220, Japan |
| 第五共同発明者がいる場合、その氏名 | | Full name of fifth joint inventor, if any |
| 第五共同発明者の署名 | 日付 | Fifth inventor's signature Date |
| 住所 | | Residence |
| 国籍 | _ | Citizenship |
| 郵便の宛先 | | Post office Address |
| | | · |
| 第六共同発明者がいる場合、その氏名 | | Full name of sixth joint inventor, if any |
| 第六共同発明者の署名 | 日付 | Sixth inventor's signature Date |
| 住所 | | Residence |
| 国籍 | | Citizenship |
| | | |
| 郵便の宛先 | | Post office Address |